

### REMARKS

Claims 1, 12, and 20 have been amended by incorporating Claim 8. Accordingly Claim 8 has been canceled. Support for the claims is present in Claim 8, as previously presented. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

#### Rejection on Ground of Nonstatutory Obviousness-type Double Patenting

Claims 1-4, 8, and 10-15 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/598,717.

Claim 7 has been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/598,717 in view of Takashi (JP11-077517).

Claims 16-21 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/598,717 in view of Shimomura (US2005/0064709).

Applicant herewith submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c), thereby obviating the above rejections. The filing of the terminal disclaimer “simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.” *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

#### Claim Rejections – 35 USC §103

Claims 1, 7, and 15 have been rejected under 35 USC §103 as being unpatentable over Takahashi et al. The limitation of Claim 8, which has not been rejected on this ground, has been incorporated into Claim 1. Thus, Claim 1 as amended herein could not be rejected on this ground, as well as the dependent Claims 7 and 15. Applicant respectfully request withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 1 and 7 have been rejected under 35 USC §103 as being unpatentable over Hasegawa et al. The limitation of Claim 8, which has not been rejected on this ground, has been incorporated into Claim 1. Thus, Claim 1 as amended herein could not be rejected on this ground, as well as the dependent Claim 7. Applicant respectfully request withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 2-4 have been rejected under 35 USC §103 as being unpatentable over Toru. Because of the dependency of the claims, the above amendment on Claim 1 obviates the rejection. Applicant respectfully request withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 14, 16, and 17 have been rejected under 35 USC §103 as being unpatentable over Toru and Kochiyama. Because of the dependency of the claims, the above amendment on Claim 1 obviates the rejection. Applicant respectfully request withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claims 2-4, 12, and 20 have been rejected under 35 USC §103 as being unpatentable over Takahashi or Toru. Because of the dependency of the claims, the above amendment on Claim 1 obviates the rejection on Claims 2-4. Applicant respectfully request withdrawal of this rejection. The limitation of Claim 8, which is not disclosed or taught by these references, has been incorporated into Claims 12 and 20. Thus, Claims 12 and 20 as amended herein could not be rejected on this ground. Applicant respectfully request withdrawal of this rejection.

**CONCLUSION**

In the light of the applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the

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application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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